

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ALBERTO AVALOS, JR., an individual,  
  
Plaintiff,  
  
v.  
  
CARDINAL PAINT AND POWDER, INC., a  
domestic corporation; and DOES I through X;  
and ROE CORPORATIONS I through X,  
inclusive,  
  
Defendants.

Case No.: 2:23-cv-00035-CDS-NJK

**ORDER TO EXTEND DISCOVERY  
DEADLINES**

**[FIRST REQUEST]**

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff Alberto Avalos, Jr. (“Plaintiff”) and Defendant Cardinal Paint and Powder, Inc. (“Defendant”), by and through their undersigned counsel of record, stipulate to extend the un-expired discovery cut-off, dispositive

1 motions, and pre-trial order deadlines by 90 days pursuant to LR 26-3. This stipulation is made in  
2 good faith and not for purposes of delay.

### 3 **I. DISCOVERY COMPLETED**

4 Plaintiff submitted his initial FRCP 26.1 disclosures on March 3, 2023 and has submitted  
5 supplemental FRCP 26.1 disclosures thereafter. Defendant submitted its initial FRCP 26.1 disclosures  
6 on March 24, 2023. Plaintiff has served numerous subpoenas duces tecum upon various entities and  
7 has disclosed the documents received. Both parties have served written discovery requests and  
8 received responses thereto. The deposition of fact witness Corey Lowrey was completed on July 10,  
9 2023. The deposition of the FRCP 30(b)(6) representative for Defendant was completed on  
10 September 20, 2023. The deposition of Plaintiff commenced on September 27, 2023, the remainder  
11 of which will be continued on another date.

### 12 **II. DISCOVERY THAT REMAINS TO BE COMPLETED AND REASONS** 13 **SUPPORTING THE REQUESTED EXTENSION**

- 14 1. Remainder of Deposition of Plaintiff (in the process of being scheduled);
- 15 2. Deposition of Craig Fick (originally scheduled for September 20, 2023 but is now  
16 being rescheduled);
- 17 3. The parties will take the depositions of any and all other necessary witnesses as  
18 determined through discovery. On September 19, 2023, Plaintiff's counsel submitted to Defendant's  
19 counsel a list of five additional witnesses that Plaintiff intends on deposing. Defendant's counsel also  
20 intends on deposing other witnesses. The parties are coordinating on scheduling those depositions,  
21 along with any others;
- 22 4. The parties will issue and respond to any necessary additional written discovery; and
- 23 5. Any additional discovery as needed.

24 The parties have been cooperating on discovery and on coordinating depositions.  
25 Unfortunately, Plaintiff was forced to cancel the September 20, 2023 deposition of a key witness due  
26 to the failure of a certified court reporter to appear at the scheduled deposition. Additionally,  
27 Defendant's lead counsel was out of the country from September 7 through 18, 2023, became ill  
28 during the course of this business trip, and is still recovering from this illness. The parties are working

towards scheduling the remaining depositions, but scheduling and availability conflicts make it impossible to complete all discovery by November 1, 2023. As such, the parties are seeking a 90-day extension on the discovery deadlines, which will allow the parties to take all necessary depositions and follow up with any necessary written discovery within the time frame of the extension.

### III. PROPOSED SCHEDULE FOR COMPLETING REMAINING DISCOVERY

	<u>Current Discovery Deadlines:</u>	<u>Proposed Discovery Deadlines:</u>
1. Discovery cut-off:	<u>November 1, 2023</u>	<u>January 30, 2024</u>
2. Amend / add parties:	<u>August 3, 2023</u>	<u>August 3, 2023</u>
3. Initial experts:	<u>September 5, 2023</u>	<u>September 5, 2023</u>
4. Rebuttal experts:	<u>October 5, 2023</u>	<u>October 5, 2023</u>
5. Dispositive motions:	<u>December 1, 2023</u>	<u>February 29, 2024</u>
6. Pretrial order:	<u>January 2, 2024</u>	<u>April 1, 2024<sup>1</sup></u>

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<sup>1</sup> The thirtieth (30th) day after the proposed cut-off date for filing dispositive motions is Saturday, March 30, 2024. Thus, the proposed deadline for filing the joint pretrial order has been moved to Monday, April 1, 2024, pursuant to FRCP 6(a)(1)(C). Additionally, if dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until 30 days after decision on the dispositive motions or further court order.

This request for an extension of time is not sought for any improper purpose or other purpose of delay. Rather, it is sought by the parties solely for the purpose of allowing sufficient time to finish necessary discovery.

DATED this 11th day of October 2023.

DATED this 11th day of October 2023.

**MAIER GUTIERREZ & ASSOCIATES**

**O'HAGAN MEYER PLLC**

/s/ Danielle J. Barraza

/s/ Holly E. Walker

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**ORDER**

IT IS SO ORDERED.

  
United States Magistrate Judge

**NO FURTHER EXTENSIONS WILL BE GRANTED**